



Kentucky Labor Cabinet

LABOR WORKS

Since our last newsletter, our employees have remained vigilant in enforcement of our labor laws and as a result workers have collected thousands of dollars in wages they were deprived from receiving. Great strides were also made in the areas of employee safety and health and many Kentucky employers were recognized and honored for their efforts to provide safe and healthful environments for their employees.

As a natural progression of Governor Beshear's town hall meetings, the Kentucky Labor Cabinet conducted a series of six regional educational seminars during this past summer to familiarize our citizens with the many laws that we enforce. Seminars were conducted in: Paducah, Owensboro, Louisville, Ashland, Florence, and Versailles. Without exception, the attendees at each seminar were very appreciative of the opportunity to attend and voiced their appreciation for the information provided to them. We are currently accepting recommendations for topics for 2011 seminars.

Now that summer is behind us, some reflections would probably be in order. Like all other governmental entities,

Greetings

reductions caused by the deep recession which we are experiencing. Although there have been a few bright spots, the economic experts tell us that our economic conditions are worse than at any time since The Great Depression. Unemployment rates in Kentucky and across the nation remain at an unacceptable rate of an average of 10-11 percent or higher with no hope of any short-term relief.

In my personal opinion, our poor economic condition was spawned by tax breaks for rich individuals who comprise a very small percentage of our total population and so called "free trade laws" and other congressional initiatives which make it more lucrative for domestic corporations to export United States jobs to other countries and/or import products manufactured by child labor and other low wage individuals who have no decent working or sanitary conditions and no safety and health protections at their work places.

Resultant to the above, our employees have been subjected to furlough days and layoffs and work rule changes in attempting to deal with our budget constraints.

Our proud Labor Cabinet employees continue to perform magnificently irrespective of the hardships they face on a daily basis and refuse to have their spirits broken by situations, conditions, and individuals over whom they have no control. Our thanks and our respect is extended to each of them for their devotion to their jobs and to our Commonwealth.

Now that winter is headed our way, we must be vigilant with regard to safety and health conditions in our homes and on our highways. We should always have smoke and CO2 detectors in our homes which are properly maintained to perform at their optimum design.

When we find it necessary to use portable generators to power home appliances and equipment, we must make sure that they are located properly to prevent exhaust fumes from entering homes.

Care should be exercised when using portable heaters to make sure that they are not in the close proximity to furniture or other combustible items or materials.

Secretary J.R. Gray



★ Secretary J.R. Gray ★

When shoveling snow, drink plenty of non-alcoholic beverages and take frequent breaks to prevent exhaustion and/or heart attacks.

Watch for icy conditions on our roads and always be sure to have extra weatherproof clothing in case of accidents or breakdowns. A flashlight with fresh batteries is always a must.

Be vigilant in observing for stranded motorists and report suspicious looking situations to 911 or other emergency services.

Remember – if we will all be the keepers of our brothers and sisters, we might help prevent serious consequences or even death.



LMC Labor Leader Award

Mr. Joe Wise



Joe is the business manager of the Greater Louisville Building & Construction Trades Council, AFL-CIO. He was initiated as a member of the International Association of Bridge, Structural, Ornamental and Reinforcing Steel Iron Workers Local 70 as an apprentice in 1978 after one year studying at the University of Kentucky. Upon completion of his apprenticeship and earning journeyman status, Joe quickly became a leader in the Iron Working industry working as a foreman and eventually as a superintendent on many major construction projects in Kentucky and Indiana. These projects included: the re-construction of I-65 from Louisville to Elizabethtown; the construction of the Gene Snyder Freeway; the re-construction of I-264 (Watterson Expressway); and various bridge projects in many of the counties within the Commonwealth of Kentucky and the State of Indiana.

After several years of working, Joe returned to school at nights and on weekends to complete his education. In 1993 he earned his BS in Business Administration with an emphasis in “People and Organizations” from Spalding University. He went on to earn his MBA from Bellarmine College in 1995 and a Doctorate in Business Administration from Nova Southeastern University in 1999. His dissertation is titled “Multiple Commitment in a Multi-employer Work Environment” in which he measured union commitment and organizational commitment of union construction workers.

While working on his doctorate, he started working at the Greater Louisville Building & Construction Trades Council, AFL-CIO with his mentor Bill Londrigan. In 1997, he was appointed business manager of the council after Bill Londrigan left the position to pursue other opportunities with the Center to Protect Workers’ Rights. During his tenure at the Greater Louisville Building & Construction Trades Council, he has negotiated and administered various types of agreements for the council that have benefited workers by ensuring millions of man-hours were worked by union construction workers. These projects included: UPS HUB 2000, UPS Worldport Expansion, The Ford Motor Company, The McAlpine Lock Expansion, The Churchill Downs Renovation, The Marriott, downtown Louisville, and most recently the Louisville (YUM) Arena.

In addition to negotiating agreement that have benefited the men and women of the building trades, he also help to establish, with the help of the Louisville Urban, a training program to recruit minorities and women into building trades apprenticeship programs.

He has also established relationships with unions, craft guilds and apprenticeship programs in Germany. This has resulted in the development of an exchange program where apprentices and administrators from both counties learn new training methodologies and approaches to union-management relations.

Joe serves or has served on the following boards and committees: Kentucky Council on Post-secondary Education, 2009 – present; Kentucky Community and Technical College System, Board of Regents, 1999 – 2009; Louisville Water Company, Board Member 2004 – 2007; Greater Louisville Central Labor Council, AFL-CIO – delegate; University of Louisville Labor/Management Center; Louisville & Jefferson County Workforce Investment Board; Dads Day (Dollars Against Diabetes); and Leadership Louisville .

Joe lives in Louisville with his wife Debbie, they have two children Brad 26 and Brittany 23.

LMC Business Leader Award

Mr. Tim Mosher

Tim Mosher retired July 31, 2010, as president and chief operating officer of Kentucky Power. As president & COO, he was responsible for the safe, responsible and efficient operations of the utility which provides electricity to approximately 175,000 customers in all or parts of 20 eastern Kentucky counties. He served in that capacity for six years prior to his retirement.

Before his appointment as president and COO in 2004, Mosher served as president of AEP-Kentucky where he administered American Electric Power Company's (AEP) public policy and environmental advocacy activities in Kentucky. Kentucky Power is a wholly owned subsidiary of AEP, which operates in 11 states through seven, regional utility units.

Mosher joined AEP in 1970 after completing college and during his 40-year career held various managerial positions in operations, governmental affairs, marketing and customer services. In addition, he previously has or continues to serve as a member of several notable boards of directors including: Kentucky Chamber of Commerce, Kentucky Association of Manufacturers, the Labor-Management Conference Board, The Ashland Alliance, Our Lady of Bellefonte Hospital, Leadership Kentucky, United Way of Kentucky, EconomicsAmerica, the Kentucky Community and Technical College System Foundation, and the Woodlands Foundation.

Mosher holds a bachelor's degree in electrical engineering from the University of Detroit-Mercy and a master's degree in business administration from the University of Akron. Additionally, he is a graduate of AEP executive training programs at the University of Michigan and the University of Virginia.

Mosher and his wife, Colleen, reside in Lexington and are the parents of three grown children and grandparents to three small children.



- For every 100 full-time workers in the private sector, 4.7 received an injury or illness in the year 2008. This is a decrease compared to the rate of 5.2 for the year 2007.
- For every 100 full-time workers in the state and local government sector, 5.3 received an injury or illness in the year 2008. This is a decrease compared to the rate of 5.8 recorded in the year 2007.
- The total case rate has declined by 19% in the past 5 years. Any comparison to previous years' data is discouraged due to changes in the recordkeeping regulations which began in 2002 and changes in industry classification from the Standard Industrial Classification (SIC) system to the North American Industry Classification System (NAICS) implemented in 2003.
- For the calendar year 2008, the number of people employed in Kentucky was approximately 1,769,700 according to the count provided by the BLS-State Quarterly Census of Employment and Wages. This is an increase compared to the count of employees recorded in the year 2007.



Young Labor Leader Award Mr. Tim Hardy



Tim Hardy is the Treasurer for Local 212 of the International Brotherhood of Electrical Workers in Cincinnati, Ohio. Tim is responsible for all financial recordkeeping and disbursements of the 1,575 member Local, with receipts of over \$3 million. Local 212 has jurisdiction in 3 counties in Ohio, 3 counties in Indiana and 7 counties in Northern Kentucky.

In 1995, after graduating from Campbell County High School, Tim was selected for the electrical apprenticeship program. The curriculum consisted of on the job training and also school 2 nights per week for 5 years. He became involved immediately after his initiation into the Local 212 membership, volunteering his time at both political and union activities. Tim became an Inside Journeyman Wireman in 2000 and became even more involved in the union.

Tim has developed his Labor Management skills over the years, beginning with his appointment by the Local 212 Business Manager as a steward. He has worked as a steward on many different jobsites where he has worked with management to successfully settle issues before they became grievances.

Tim's involvement has led to his appointment to several meetings and conferences, such as this one. He has also served his Local as a delegate to various IBEW, Kentucky AFL-CIO and Kentucky Building Trades Conferences. Tim also represents Local 212 on the Northern Kentucky AFL-CIO Labor Council. Tim is also a trustee and secretary on the Local 212 Supplemental Unemployment Fund (SUB), which provides additional income for unemployed members and a member of the Board of Directors where he works with management to oversee the operations of the Benefit Office, which administers the Local's Health & Welfare, Pension and SUB Funds.

In June 2008 Tim was elected without opposition to the office of Treasurer of IBEW Local 212. He is also the assistant Political Coordinator for Local 212 in Kentucky, where he is responsible for registering members to vote as well as conducting interviews and recommending contributions to political candidates. His political involvement has also been noticed in Frankfort. In 2008 Governor Steve Beshear appointed Tim to serve on the 17th Judicial Nominating Committee.

His labor-management skills were tested in the spring of 2010 when Tim was asked to serve on the Local's Negotiating Committee. It would not be an easy task due to the tough economic times and the highest unemployment in the Local in over 25 years. However, due to great labor-management cooperation Tim and the rest of the committee settled the 3 year contract and were able to avoid arbitration for the first time in 14 years.

**On Sunday, November 7, 2010 at 2 a.m., Daylight Saving Time ends.
Don't forget to set your clocks FORWARD one hour.**

Young Business Leader Award Ms. Angie College

Angie College is the Regional Human Resources Consultant for Greenheck Fan Corporation and manages facilities located in North Carolina, California and in Frankfort, Kentucky.

Angie began her career working in the staffing industry before moving to Greenheck Fan Corporation in 2000. As a human resources consultant, Angie works towards building strong employee/labor relationships by building an environment of open communication. This environment has created a workplace where employees can become involved. On a daily basis, she advises managers, supervisors and employees on matters pertaining to the labor contract. She also works to manage all aspects of employee welfare by addressing issues that work for the company and the employees.



For many years, Angie has been active with the Kentucky Apprenticeship Steering Committee. In 2009, she chaired the conference, and in 2010 she served as Co-Chair and Conference Coordinator. In 2010, Governor Beshear appointed her to the Apprenticeship and Training Council. Angie has a passion for educating our workforce through on the job training and education.

Angie has also played a big role in her local community. She is a past member of the board of directors for the Frankfort Chamber of Commerce and Frankfort Habilitation. She is also very active in community service, and promotes employee involvement as the leader of a community service committee at Greenheck Fan. She leads a United Way Campaign that involves many fun and exciting activities to encourage employees and their families to become active in helping others. Some of the other organizations that Angie works with are the March of Dimes, Bowl for Kids Sake, Simon House, and the Relay for Life.

Angie was raised in Georgetown, Kentucky where she graduated from Georgetown College with a BA in Communications and a Minor in History. She currently resides in Lexington, Kentucky.

- The number of injuries and illness cases recorded for the calendar year of 2008 decreased. The count recorded by the 2007 BLS Survey was 77,300 compared to the count of 70,500 recorded by the 2008 BLS Survey.
- Local government operations represent city government, county government, police, fire, and board of education employees. The rates for this group decreased from the year 2007 to 2008. The total case rate changed from 6.2 to 5.4 for total cases. The rate for cases with days away from work, job transfer, or restriction had a change from 2.4 to 2.0. The rate for other recordable cases decreased from 3.8 to 3.4.
- State government represents state owned hospitals, colleges, prisons, state police, state parks, and other state government operations. For this group the other recordable case rate increased from 3.4 to 3.9 causing an increase in the total case rate. The total case rate went from 5.0 to 5.2. The rate for cases with days away from work, job transfer, or restriction decreased from 1.6 to 1.3.
- Illnesses are cases involving skin diseases or disorders, respiratory conditions, poisoning, hearing loss, or other cases such as welding flash, bloodborne pathogenic diseases and other abnormal conditions resulting from an exposure in the work environment. In the year 2007 there were 4,609 recorded in the private sector. In the year 2008 this number decreased to 3,500.



IMPACT Visits United Labor Zoo Picnic

The Labor Cabinet's IMPACT (Incident Mobile Command and Consultative Transport) vehicle was open for visitors at the "Greater Louisville United Labor Picnic" at the Louisville Zoo on Labor Day this year.

The IMPACT serves a dual role as a mobile command post for Kentucky Occupational Safety and Health (KyOSH) enforcement activities and an outreach vehicle for KyOSH's education and training efforts.

"The United Labor Picnic presented an ideal occasion to use the IMPACT to reach working men and women," said Mark Brown, Labor Cabinet Deputy Secretary. "We had several hundred folks come by and learn about KyOSH's mission to protect employee safety and health, as well as the free consultative services we provide." The IMPACT was visited by attendees of the United Labor Picnic, as well as members of the general public at the Louisville Zoo on what turned out to be an ideal summer day in Kentucky.

Rae Lynn Whitehouse, Health Program Manager with the Division of OSH Education and Training, helped staff the IMPACT. "The Labor Day Picnic was a big success for us. The weather was perfect and we had a lot of people come by the IMPACT to watch safety videos, pick up our informational materials, and ask questions about KyOSH and workplace safety and health."

KyOSH is on the look-out for opportunities to utilize the IMPACT, such as public functions and on-site training sessions. Persons and organizations wishing to request the IMPACT visit their site or event can do so using the request form located here: <http://www.labor.ky.gov/NR/rdonlyres/CC5D7EEF-C949-438F-8C81-B74905ABA0A3/0/RequestforIMPACT.pdf>.



FREE Population Center Training Schedule

October 11-15
Owensboro Community
and Technical College
1502 Frederica

*These training series are
presented by the Labor
Cabinet at NO COST to the
participant. Please visit
www.labor.ky.gov for more
information.*





Department of Workers' Claims EDI Program

The Kentucky Department of Workers' Claims (DWC) implemented electronic reporting of First Report of Injury data on January 1, 1996 via Electronic Data Interchange (EDI), Release 1.0 from the International Association of Industrial Accidents Boards and Commissions (IAIABC) format. The Subsequent Report of Injury (SROI) filing required by 803 KAR 25:170 began shortly after in 1997. All information reported to the Department of Workers' Claims goes through approved vendors who then transmit directly to the agency.



Commissioner Dwight T. Lovan

The department recently deemed it appropriate to update the EDI system to Release 3.0 of the IAIABC Standard. In an effort to enhance communication and ensure a smooth transition to Release 3.0, DWC is hosting a Stakeholders Meeting to discuss any questions the insurance carriers may have about the processes/changes that DWC is implementing. This meeting will occur at Department of Workers' Claims, 657 Chamberlin Avenue, Frankfort, Kentucky 40601 on October 5, 2010 from 1:00 – 3:00 PM Eastern Time. A call-in option will be available to those unable to attend the meeting so everyone may have the opportunity to participate. The EDI tables have been posted to the agency web site at www.labor.ky.gov/workersclaims and can be accessed on the right hand channel bar under 'What's New'. There are a variety of tables and documentation posted, all approved by IAIABC. There is a change log that details any and all changes from the beginning tables to current. This will be a running tally of any alterations that we make from the August 2010 publication of the tables. The implementation date for Release 3.0 is February 1, 2011, mandatory for all insurance carriers.

In addition, the DWC is working closely with IAIABC to create a Kentucky-specific training on Release 3.0 which will be held in conjunction with the Kentucky Workers' Compensation Education Association conference in December 2010. The agenda hasn't been finalized at this time, but you may check the web site for future updates and announcements.



The information that DWC collects from insurance carriers on work injuries is used for tracking purposes and as system triggers for issuing statute of limitations letters based on the date of injury or last receipt of temporary total disability benefits. The DWC also utilizes this information for open records requests, publications, statistical reports, presentations and other variety of data that may assist internally as well as to other state and federal entities. The EDI Release 3.0 offers a host of new fields that will help clarify and assist all users.

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For submissions and suggestions, please email mike.donta@ky.gov

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OSH Compliance Penalty Calculation Changes Effective October 1, 2010.

Until 1970 there was no national guarantee that workers throughout America would be protected from workplace hazards. In that year the Congress enacted a powerful and far-reaching law—the Occupational Safety and Health Act of 1970 (OSH Act). The results of this law speak for themselves. The annual injury/illness rate among American workers has decreased by 65 percent since 1973, and while there are many contributing factors, the OSH Act is unquestionably among them. Employers, unions, academia, and private safety and health organizations pay a great deal more attention to worker protection today than they did prior to enactment of this landmark legislation.

But we cannot rest on our laurels. If we are to fulfill the Department's goal of providing good jobs for everyone, we must make even more progress. Good jobs are safe jobs, and American workers still face unacceptable hazards. More than 5,000 workers are killed on the job in America each year, more than 4 million are injured, and thousands more will become ill in later years from present occupational exposures. Moreover, the workplaces of 2010 are not those of 1970: the law must change as our workplaces have changed. The vast majority of America's environmental and public health laws have undergone significant transformations since they were enacted in the 1960s and 70s, while the OSH Act has seen only minor amendments.

Monetary penalties for violations of the OSH Act have been increased only **once** in 40 years despite inflation during that period. Unscrupulous employers often consider it more cost effective to pay the minimal OSHA penalty and continue to operate an unsafe workplace than to correct the underlying health and safety problem. The current penalties do not provide an adequate deterrent. This is apparent when compared to penalties that other agencies are allowed to assess.

KYOSH intends to expand the number of years under consideration for History reductions from three to five years. Companies which have not had Serious, Willful, Repeat or Failure to Abate citations in the past five years will be eligible for a 10% penalty reduction for History. Conversely, an employer who has received a Serious, Willful, Repeat or Failure to Abate citation within the past five years will receive a 10% penalty increase. Companies will not receive any penalty reduction if they have not been inspected by KYOSH before or if citations being recommended are classified as high-gravity.

Penalty reductions based on the size of the company will also be affected. The chart below shows the current penalty reductions for size along with the proposed reductions.

# Employees	Current Reduction	Proposed Reduction
1-25	60%	50%
26-100	40%	30%
101-250	20%	10%
250	0%	0%

Good faith penalty reductions will remain unchanged at this time.

Penalties are assessed to Serious citations based on two factors, Severity and Probability. Severity is the determination of what injury would occur as a result of an employee's exposure to the hazard. Probability is the determination of how likely an injury is to occur. If the injury is death and the likelihood of injury is great, then the citation is classified as a High Severity/Greater Probability and carries with it the highest penalty available for a Serious citation. High/Greater citations are assessed an unadjusted penalty of \$5000.00 which will go up to \$7000.00. The penalty amounts will decrease as the level of injury and probability decrease.

**Copies of this newsletter, along with
Statutes, Regulations, statistics and any other information regarding the
Kentucky Labor Cabinet
can be found on our website at:
www.labor.ky.gov**